

To the Honorable Council  
City of Norfolk, Virginia

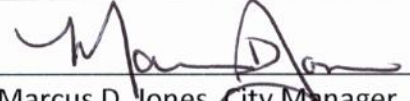
November 10, 2015

From: David Ricks, Director of Public Works

**Subject:** Encroach into the right-of-way of at 128 W. Olney Road with six (6) Ecospec floodlights and one (1) siamese water connection.

Reviewed:   
Ronald H. Williams, Jr., Deputy City Manager

**Ward/Superward:** 2/6

Approved:   
Marcus D. Jones, City Manager

**Item Number:**

**R-7**

- I. **Recommendation:** Adopt Ordinance
- II. **Applicant:** Glass Wheel Studio, LLC  
128 W. Olney Road  
Norfolk, Virginia 23510
- III. **Description:**  
This agenda item is an encroachment permitting Glass Wheel Studio, LLC to encroach into the right-of-way at 128 W. Olney Road with six (6) Ecospec floodlights and (1) Siamese water connection.
- IV. **Analysis:**  
The encroachment in this location will allow Glass Wheel Studio, LLC to use Ecospec Floodlights mounted at the roof of the building to illuminate its façade and to use a 9" water connection to provide ample water to operate the glass business.
- V. **Financial Impact:**  
Liability insurance has been provided naming the City of Norfolk ("City") as additional insured in the amount of \$1,000,000; therefore, there should be no financial risk to the City. The City did not charge a fee for this encroachment.
- VI. **Environmental:**  
N/A

**VII. Community Outreach/Notification:**

Public notification for this agenda item was conducted through the City's agenda notification process.

**VIII. Board/Commission Action:**

The Department of Public Works, the Department of Planning & Community Development, and the City Attorney's Office have reviewed this request for encroachment and offer no objections. The encroachment was reviewed and recommended by the Norfolk Design Review Committee and the City Planning Commission.

**IX. Coordination/Outreach:**

This letter has been coordinated with Department of Public Works and the City Attorney's Office.

Supporting Material from the City Attorney's Office:

- Ordinance
- Exhibit A-1 and A-2

Form and Correctness Approved:

By

Office of the City Attorney

Contents Approved:

By

DEPT. Public Works

NORFOLK, VIRGINIA

## ORDINANCE No.

AN ORDINANCE PERMITTING GLASS WHEEL STUDIO TO ENCROACH INTO THE RIGHT-OF-WAY AT 128 W. OLNEY ROAD WITH SIX (6) ECOSPEC FLOODLIGHTS AND ONE (1) SIAMESE WATER CONNECTION.

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BE IT ORDAINED by the Council of the City of Norfolk:

Section 1:- That permission is hereby granted to Glass Wheel Studio ("Studio") to encroach into the right-of-way at 128 W. Olney Road with six (6) ECOSPEC FLOODLIGHTS (each being 10" wide and encroaching into right-of-way by 24") and one (1) SIAMESE (Fire Hose) WATER CONNECTION (encroaching into the right-of-way by 9"), as shown on Exhibits A1 and A2, attached hereto, such permission being further subject to the following conditions:

- (A) That this permission is expressly subject to the right of revocation by the Council and that in the event of such revocation, Studio, or its successors and assigns, shall immediately remove the encroaching structures.
- (B) That upon the removal of the encroaching structures or any part thereof, the authority hereby granted shall cease and terminate.
- (C) That Studio, or its successors and assigns, at its own cost and expense, shall take out and keep in full force and effect during the term of this encroachment commercial general liability insurance with a company authorized to do business in the Commonwealth of Virginia. The amount of insurance shall be at least \$1,000,000.00 each occurrence and \$2,000,000.00 general aggregate against liability from claims, actions and suits that may be asserted or brought against the City of Norfolk and/or Studio, and its successors and assigns, for any injury to, or death of, any person or persons or for any damage to, or destruction of property resulting



from the installation, maintenance, or existence of said encroaching structures. The City of Norfolk ("City) shall be named as additional insured under such insurance, and a copy of the insurance policy, or a certificate of insurance, evidencing the insurance coverage, including any renewals or significant changes in coverage, shall be provided to the City Law Department.

- (D) That the City shall not be responsible for any damage to the encroaching structures, including replacement and reinstallation costs, resulting from the City's operation, maintenance, repair, or replacement of any utilities located at 128 W. Olney Road.

Section 2:- That the failure of Studio, or its successors and assigns, to fully comply with all requirements and conditions set forth herein shall act as an automatic revocation of the permission granted hereby.

Section 3:- That the use of the said encroaching structures shall be deemed an acceptance by Studio, and its successors and assigns, of all conditions to which the permissions herein are granted.

Section 4:- That this ordinance shall be in effect from and after its adoption.

EXHIBIT A-1

